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IN THE HIGH COURT OF JUDICATURE AT BILASPUR

WRIT PETITION NO. 3262/2003

PETITIONER

: S.K.Pathak, S/o Shri V.N.Pathak, aged 49 years, Occupation-Government Service presently working as Assistant Engineer/S.D.O. in Water Resources Department, R/o 416, Sundar Nagar, Raipur (C.G.)

-VERSUS-

RESPONDENTS

1. State of Chhattisgarh through Secretary, Department of Water Resources, D.K.S.Bhavan, Raipur (C.G.)
2. Engineer-in-Chief, Water Resources Department, Raipur (C.G.)
3. Joint Secretary, Public Relations Department, D.K.S.Bhavan, Raipur (C.G.).
4. Chief Engineer, Mahanadi-Godavari Basin Project, Raipur.
5. Munnalal Agrawal, Assistant Engineer, Water Management Division No. 1, Raipur (C.G.).

P. R. No. 3123/03
Presented by Shri. V.N. Pathak
dated 10.10.03

WRIT UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA
FOR ISSUANCE OF A SUITABLE WRIT, ORDERS OR DIRECTION.

COPY

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक U.P. 3262/2003 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	<u>21.11.2003</u> Petitioner by Shri Rajeev Shrivastava, Advocate. State by Shri Ranbir Singh, Govt. Advocate. Heard. By this writ petition under Article 226/227 of the Constitution of India the petitioner has challenged the order dated 6.10.2003 by which the petitioner has been transferred from the office of the Sub Divisional Officer, Water Resources Department, Sub-Division No.1, Raipur to the office of Assistant Engineer, Water Management, Division No.1, Raipur. The petitioner's petition is that he is working on the post of Assistant Engineer, earlier the petitioner was on attachment in the office of Chief Engineer, Mahanadi Project, Raipur. As a complete ban has been imposed on attachment, therefore vide order dated 21.8.2003 the petitioner was transferred from the Office of the Chief Engineer, Mahanadi Project, Raipur to the Office of Sub Divisional Officer, Water Resources Sub Division No.1, Raipur. Thereafter the Respondent No.5 was promoted to the post of Assistant Engineer. Being influential person he was transferred vide impugned order at the place of petitioner and the petitioner has been transferred to the office of Assistant Engineer Water Management, Division No.1, Raipur. Therefore, this order being malafide be set aside. I have heard learned counsel for the parties. Learned counsel for the petitioner submits that the challenge to the petition is that the petitioner has been transferred in an	

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आदेश पत्रक

W.P. No. 3262/03

मामला क्रमांक

सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	illegal manner and contrary to the policy of the Govt. and under the influence and recommendation of someone. Even, though the Chief Engineer and the Superintending Engineer vide their letter dated 10.10.2003 recommended for cancellation of the transfer of the petitioner to the Engineer-in-Chief but so far nothing has been done in that regard. Therefore, the petitioner may be allowed to make a detailed representation and the respondents may be directed to consider and decide the same, for which learned Govt. Advocate has no objection. Having heard learned counsel for the parties and having regard to the facts and circumstances of the case the petitioner is allowed to make a detailed representation within a period of 10 days from today to the Respondent No.2 who in turn will decide the representation within a period of 30 days from the date of receipt of the representation in an objective manner in the light of the recommendations for cancellation made by the Respondent No.4 and Superintending Engineer considering all the grievances of the petitioner by passing a reasoned order. With the above observations this petition is disposed of finally. Parties are entitled for certified copy of this order.	Sd/- L.C.BHADOO Judge

[पीछे देखिये]

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